PERSONNEL POLICIES

Part B- Staff Guidance and Accountability

Commissioner's Note

Chapter One. General Provisions

- Section 1. Application and effect
- Section 2. Interpretation of these policies
- Section 3. Definitions

Chapter Two. Employee Conduct

- Section 1. Introduction
- Section 2. Purpose
- Section 3. Interpretation and application of provisions
- Section 4. Core values
- Section 5. Work-related decisions
- Section 6. Safe work practices
- Section 7. Conformance to law
- Section 8. Conduct unbecoming an employee
- Section 9. Fidelity to the LDAF
- Section 10. Reporting for duty
- Section 11. Performance of duty
- Section 12. Neglect of duty
- Section 13. Notification of illness or injury
- Section 14. Lawful order
- Section 15. Conflicting orders
- Section 16. Chain-of-command
- Section 17. Communication up the chain-of-command
- Section 18. Personnel action tampering
- Section 19. Truthfulness in communication
- Section 20. Protection and dissemination of information
- Section 21. Public statements and endorsements, referrals and contacts
- Section 22. Use of official title/position
- Section 23. Political activity
- Section 24. Courtesy
- Section 25. Drugs, alcohol and tobacco
- Section 26. Gambling
- Section 27. LDAF equipment and supplies
- Section 28. Misappropriation of LDAF asset or resource
- Section 29. Cooperation with administrative inquiry
- Section 30. Cooperation with the legislative process
- Section 31. Cooperation with other agencies
- Section 32. Constraint of power
- Section 33. LDAF credential card

Chapter Three. Professional Standards

Commissioner's Note

Section 1. Purpose

Section 2. Adherence to law

Section 3. Interpretation and application of provisions

Section 4. Definitions

Section 5. Prohibited conduct

Section 6. Required conduct

Chapter Four. Secondary Employment

Section 1. Purpose

Section 2. Adherence to law

Section 3. Interpretation and application of provisions

Section 4. Definitions

Section 5. Secondary employment

Section 6. Application for secondary employment

Section 7. Obligations of employee

Chapter Five. Attire, Appearance and Grooming

Section 1. Purpose

Section 2. Interpretation and application of provisions

Section 3. Enforcement of provisions

Section 4. General provisions

Section 5. Attire

Section 6. Appearance

Section 7. Grooming

Chapter 6. Information Technology User Rules

Section 1. Introduction

Section 2. Purpose

Section 3. Interpretation and application of provisions

Section 4. General provisions

Section 5. IT-user rules

Section 6. Transfer or removal of data or records

Section 7. Use of removable electronic storage media

Section 8. Affirmative obligation of an employee

Chapter Seven. Communication with the Media

Section 1. Purpose

Section 2. Interpretation and application of provisions

Section 3. Role of the Commissioner

Section 4. Role of the Press Secretary

Section 5. Authorization required

Chapter Eight. Public Record Request

Section 1. Purpose

Section 2. Right to examine records pursuant to R.S. 44:31

Section 3. Interpretation and application of provisions

Section 4. Authorization required

Section 5. Fees

Section 6. Other guidelines and directives

Commissioner's Note: We have tried to make the meaning of each policy clear and easily understood. Occasionally, though, you may want added clarification on the significance of a provision. If so, please talk with your supervisor or contact the Human Resources Director. If you are a supervisor and need some further explanation, you should discuss it with your supervisor or Assistant Commissioner, or contact the Human Resources Director. Thank you.

Chapter One. General Provisions

Section 1. Application and effect

- A. The provisions of each and every policy set forth in these personnel policies and related policies of the LDAF (e.g., safety policies, motor vehicle fleet policies, etc.), and whenever amended or supplemented, shall have full force and effect and each and every employee shall be subject and bound thereto.
- B. These personnel policies supersede and replace provisions set forth in prior policies, guidelines and directives which are in conflict therewith or which have been reenacted by these personnel policies, and all such prior provisions are repealed and have no further force or effect.
- C. Ignorance of policies, directives, plans, procedures, practices, rules and standards established by the LDAF shall not be considered an excuse or justification for any breach or disregard of such by an employee.

Section 2. Interpretation of these policies

- A. Words, terms and phrases shall be read with their context and shall be construed according to the common and approved usage of the language.
- B. Words used in the singular number include the plural and the plural includes the singular.
- C. Words used in one gender apply also to the other genders, except as otherwise clearly indicated by the context.

Section 3. Definitions

As used in these personnel policies and elsewhere in related policies of the LDAF, the following words, terms and phrases shall have the ascribed meanings, unless their context

of use requires otherwise:

- A. "LDAF" means the Louisiana Department of Agriculture and Forestry, and any subsidiary agency and associated entity under the general supervision of the Commissioner.
- B. "Commissioner" means the Commissioner of the LDAF, and also may mean, to the extent and for a purpose set by the Commissioner of the LDAF, one or more other officers of the LDAF, the Executive Counsel, Human Resources Director, or other designated employee.
- C. "Officer of the LDAF" refers to the Commissioner, Deputy Commissioner, Confidential Assistant, and each Assistant Commissioner.
- D. "Assistant Commissioner" means an officer of the LDAF who is the head of a statutory office of the LDAF. Whenever there is a vacancy in a statutory office of the LDAF for the position of Assistant Commissioner, the Commissioner may designate an employee to act as the Interim Assistant Commissioner for the purpose of administering all or certain provisions of these policies.
- E. "Employee" includes each and every officer and member of the staff of the LDAF irrespective if their employment is on a full-time, part-time or contractual basis, and may include any person authorized by the Commissioner to be a volunteer in service to the LDAF.
- F. "Staff" refers to an employee, more than one employee, or the role or relationship an employee participates in or shares with any other employee.
- G. "Workplace" must be given the broadest possible construction including any property, facility, building, office or means of conveyance that is owned or controlled by the LDAF, or any location, remote or otherwise, at which an employee, for the purpose of advancing the mission of the LDAF, effects an operation, function or duty, provides goods or services, or participates with another person in any such activity.
- H. "Mission of the LDAF" is the legitimate function of the LDAF, that is, to promote, protect and advance agriculture and forestry, soil and water resources.
- I. "Policy" must be given the broadest possible construction, including any provision in a document promulgated, or caused to be promulgated by the Commissioner which is intended to inform and guide an employee with respect to his role in the mission of the LDAF; and may take the form of a written policy, directive or plan.
- J. "Duty" means the obligation of an employee to carry out an assigned task, service, function or responsibility as a consequence of his position or title, or the conduct thereof, or the duration of time an employee is or is to be engaged in his assigned service to the LDAF.

- K. "Supervisor" refers to the principal employee who is assigned to provide direction to an employee with respect to his ordinary performance of work-related tasks, duties and responsibilities, or another employee who shares in the provision of said direction to an employee, or one or more employees in an employee's ascending chain-of-command.
- L. "Supervisory staff" refers to one or more supervisors.
- M. "Chain-of-command" refers a distinct series of line, supervisory and management positions typically, but not necessarily, in order of ascending hierarchical authority.
- N. "Lawful order" means any order, directive or instruction sanctioned by law, policy, Civil Service Commission rule or Ethics Code provision; and shall be constituted verbally, in a text format or by depiction, signal or gesture, typically, but not necessarily, by supervisory staff, or other duly authorized entity or person.

Chapter Two. Employee Conduct

Section 1. Introduction

Maintaining a clear description of rights and obligations that pertain to the desired conduct of staff is essential to ensuring the operational effectiveness of the LDAF. An employee has both a right and a duty to know what the LDAF deems important, required, improper and prohibited regarding his conduct, irrespective if the conduct occurs in the workplace or during off-hours should such conduct materially affect the LDAF.

Section 2. Purpose

The purpose of this Chapter is to establish guidelines and requirements for an employee to follow, the collective accomplishment of which advances the mission of the LDAF, provides for a work environment marked by cooperation and mutual respect, and supports consistent and trustworthy decision making.

Section 3. Interpretation and application of provisions

- A. The provisions of this Chapter are not intended to be definitive of every action or behavior required of an employee or, otherwise, of every undesirable act or failure to act that may constitute a breach of a provision of this Chapter. Consequently, each and every provision shall be given a genuine construction, according to the fair import of its words, taken in its usual context, and with reference to the purpose of the provision.
- B. Consistent with the purpose of the provisions of this Chapter and the fair and reasonable application thereof, the Commissioner, whenever necessary to provide for the operational effectiveness of the LDAF, may provide for the interpretation or may affix the relevance of any provision herein with respect to any circumstance, condition or situation.

Section 4. Core values

The core values of the LDAF serve as a framework to guide the daily actions and decisions of an employee. Shared values govern the way employees treat others, guide their individual interactions and inspire an unwavering dedication to excellence and integrity. Values are considered commitments that are to be internalized and manifested by an employee. The core values of the LDAF are:

Public First - Each of us has the high honor and distinct privilege of serving the citizens of our state. With fairness and honesty at the forefront, we will be responsive, proactive and flexible in our dealings with others.

Pursuit of Excellence - We are committed to getting the job done right the first time in as effective and efficient manner as possible and in accordance with our overall mission. We will aspire at all times to do our jobs better in every dimension.

Positive Response to Change - Recognizing that our workplace, the markets and technology are evolving, we acknowledge that change is inevitable. We will meet the developing demands and expectations of the public with creative thinking, innovation and more efficient processes.

Respect for the Individual - We will create a respectful and meaningful workplace, characterized by honest, direct and relevant communication. Working together as a team, we will honor diversity, individuality and personal and professional differences.

Community Mindedness - We realize that our work impacts the community in which we reside, and many times, beyond such. Both as individuals and team members, we will strive to make our communities better places to live, work and learn.

Section 5. Work-related decisions

Work-related decisions made by an employee shall be absent any unfairness, unreasonableness and impropriety, or any appearance thereof. Accordingly, an employee shall strive at all times to make work-related decisions that are lawful, ethical and in compliance with relevant policies of the LDAF. Whenever appropriate, an employee should rely on the "STAR" method to make work-related decisions: Stop, Think & Act Responsibly.

Section 6. Safe work practices

A. It is the right and obligation of an employee to work safely. Providing safe work conditions and an accident-free workplace for its staff is a high priority of the LDAF. An

employee shall give due regard to safety as a fundamental consideration in every work-related decision. Accordingly, an employee shall be subject and bound to the applicable provisions of the LDAF Loss Prevention Program (generally referred to as the safety policies).

- B. For the purpose of this Chapter, each provision of the Safety Rules as set forth in Section III of the General Safety Plan of the LDAF Loss Prevention Program shall be a lawful order, and an employee shall obey and comply with each such safety rule.
- C. Without the prior consent of an Assistant Commissioner, an employee shall not keep any pet animal under his care and control (any service animal excepted) or his minor children (or similar dependent or relation) in the workplace.

Section 7. Conformance to law

An employee shall conform to, and abide by the law of the United States of America and its sovereignties whenever present therein, and the state of Louisiana and its political subdivisions whenever present therein. As used in this Section, the term "law" shall mean each and every applicable code, regulation, statute, rule and ordinance.

Section 8. Conduct unbecoming an employee

An employee shall act dutifully, responsibly and professionally at all times as not to reflect unfavorably upon himself or the LDAF. Unbecoming conduct refers to conduct by an employee which tends to:

- (1) bring the LDAF into disrepute or public embarrassment;
- (2) reflect discredit upon himself in his role as an employee;
- (3) impair the operational effectiveness of the LDAF or its staff;
- (4) adversely affect the morale of staff; or
- (5) reasonably be expected to damage the public's respect, confidence or trust of the LDAF.

Section 9. Fidelity to the LDAF

An employee shall not overtly criticize the LDAF, any policy or any employee verbally, in text format or by depiction, signal or gesture whereby such is defamatory, obscene and unlawful, or exhibits a wanton disregard for the truth, or tends to undermine the operational effectiveness of the LDAF.

Section 10. Reporting for duty

A. An employee shall report for duty at the time and place specified by his supervisor, and be physically and mentally fit to accomplish his assigned duties, tasks and responsibilities in a manner consistent with the provisions of this Chapter.

B. An employee shall report for duty attired, groomed and portraying an appearance that is consistent with the provisions of applicable policy.

Section 11. Performance of duty

- A. An employee shall maintain licensure and a proficiency level sufficient to properly perform his assigned duties, tasks and responsibilities as set forth in or contemplated by his position description and, accordingly, shall perform such assigned duties, tasks and responsibilities properly. Unsatisfactory performance by an employee may be evidenced by his:
- (1) unwillingness or inability to perform any assigned duty, task or responsibility;
- (2) failure to maintain licensure or conform to work standards established for the employee's position;
- (3) absence from the workplace without proper authorization;
- (4) repeated poor performance evaluations;
- (5) repeated disciplinary actions or documented counseling sessions; or
- (6) disruptive or other inappropriate behavior or conduct in the workplace.
- B. An employee shall be responsible for his action or failure to act and shall not attempt to shift the burden of such responsibility to another.
- C. An employee shall adhere strictly to the policies, directives, plans, procedures, practices, rules and standards established by the LDAF.
- D. (1) An employee shall carry out his assigned duties, tasks and responsibilities absent any negligence.
- (2) Negligence exists whenever the conduct of an employee amounts to a gross deviation below the standard of care expected to be maintained by a reasonably careful person under like circumstances.

Section 12. Neglect of duty

- A. An employee, without proper authorization, shall not be absent from his assigned workplace or fail to perform his assigned duties, tasks and responsibilities.
- B. An employee shall remain awake and alert while on-duty or, if unable to do so, shall report promptly to his supervisor, who shall determine the proper course of action.

Section 13. Notification of illness or injury

A. (1) An employee who knows that he will be unable to report for duty due to illness or injury shall immediately notify his supervisor or ensure such notification is made to his supervisor. Such notification shall include the nature of the illness or injury, the location where he will be recuperating and the expected date of return to duty.

- (2) Whenever there is change in the information that was provided in the notification, an employee shall communicate such to his supervisor.
- B. An employee taken ill or injured while on-duty shall promptly report such to his supervisor and comply with the provisions of other relevant policies, directives and plans.
- C. As such relates to his fitness for duty, an employee shall not feign or attempt to perpetrate deception of illness or injury to another person as to the genuine nature of his physical condition.

Section 14. Lawful order

- (A) An employee shall promptly obey and execute each and every lawful order that is communicated to him.
- (B) An employee shall not obey any order, directive or instruction which he knows or should know would require him to commit an illegal or unethical act.
- (C) An employee shall not behave disrespectfully or threaten or insult any other person engaged in the execution of a lawful order or in the conduct of his assigned duties, tasks and responsibilities.
- (D) The intentional breach of any provision of this Section by an employee may subject the employee to disciplinary action.

Section 15. Conflicting orders

An employee who is given a lawful order that is in conflict with a previous lawful order shall call attention to the conflict in an appropriate and respectful manner to the supervisor or other duly authorized person who gave the conflicting lawful order. If such supervisor or other duly authorized person does not retract or alter the conflicting lawful order, then the conflicting order, as may be amended, shall prevail as the lawful order with principal standing.

Section 16. Chain-of-command

An employee shall adhere strictly to the chain-of-command in the performance of his assigned duties, tasks and responsibilities. An employee may breach the chain-of-command only if there is an abundantly compelling reason to do so.

Section 17. Communication up the chain-of-command

A. The LDAF recognizes that from time-to-time an employee may desire to relay information to the management staff of the LDAF or to discuss a matter of personal importance one-on-one with such staff. Although there exists recommended, convenient

and effective lines of communication between an employee and various LDAF administrators, an employee might prefer to seek an additional method to advance a certain matter. The purpose of this Section to provide guidance to an employee in the communication of any such matter up the chain-of-command.

- B. It is standard operating procedure within the LDAF for a supervisor to encourage and welcome honest, direct and relevant communication between himself and each employee within his workgroup for the purpose of advancing the mission of the LDAF or ensuring the operational effectiveness of the LDAF or its staff. An employee should avail himself of this provision whenever such communication is convenient for the employee and his supervisor.
- C. (1) The Commissioner requires each Assistant Commissioner to encourage and welcome honest, direct and relevant communication between himself and each employee within his Office for the purpose of advancing the mission of the LDAF or ensuring the operational effectiveness of the LDAF or its staff. An employee, to the extent which is reasonable and practicable, may avail himself of this provision irrespective of his chain-of-command.
- (2) Whenever an Assistant Commissioner and an employee agree that the matter at issue should be advanced to the Commissioner, the Assistant Commissioner will arrange to bring such matter to the attention of the Commissioner, and will promptly report the Commissioner's response and/or disposition on the matter to the employee.
- D. (1) Whenever there exists an abundantly compelling reason to bring a matter directly to the attention of the Commissioner, an employee may request a conference with the Commissioner. However, any such request to the Commissioner by the employee shall be in a text format (email preferred), give a sufficient description of the matter at issue, and provide an explanation as to why the matter could not be advanced by the employee in a manner provided for in any preceding provision of this Section. The employee shall at the same time he makes such request to the Commissioner, provide his Assistant Commissioner with a copy (email preferred) of said request for a conference with the Commissioner, and the Assistant Commissioner shall take no action thereon unless directed by the Commissioner to do so otherwise.
- (2) Whenever law, fact or circumstance must preclude the Commissioner from participating in such a conference with the employee, the Commissioner may make arrangements for the employee to confer on the matter with the Deputy Commissioner, an Assistant Commissioner, the Executive Counsel, Human Resources Director, or other appropriate person.

Section 18. Personnel action tampering

A. Personnel action tampering refers to any verbal or written communication or attempted communication, whether direct or indirect, made by a person not employed by the LDAF to any officer of the LDAF for the purpose of affecting the conduct, extent or

consequence of a personnel action by the LDAF (e.g., the hiring, assignment, transfer, promotion, training, development, discipline, layoff, or termination of staff, or the reorganization of work groups within the LDAF which may affect staff).

- B. (1) An employee shall not permit, solicit, seek nor inquire of any other person to coerce, influence or interfere with any anticipated, pending or active personnel action by the LDAF, or to incite or advance a personnel action by the LDAF. An employee shall bear an affirmative obligation to discourage and persuade against any person from engaging or attempting to engage in personnel action tampering.
- (2) An employee shall not conceal knowledge of any contemplated personnel action tampering from his Assistant Commissioner or the Deputy Commissioner.
- C. Nothing in this Section shall be construed to prohibit, restrict or limit an employee from his duly authorized participation in a matter which may be submitted by the employee for review by the Civil Service Commission.

Section 19. Truthfulness in communication

- A. As used in this Section and elsewhere in this Chapter, "communication" must be given the broadest possible construction including, but not limited to, any interpersonal conversation or correspondence (e.g., email), the giving of testimony, statement or other verbal account, the preparation and submission of any report, form, statement or finding of fact, the recording of data or information on any leave and attendance report, timesheet, log entry, activity report, expense voucher, daily vehicle log, test result or checklist.
- B. It is an obligation of every employee to be truthful whenever communicating, irrespective if the communication is transmitted verbally, in text format, or by depiction, signal or gesture.
- C. An employee shall not engage or attempt to engage, directly or indirectly, in any knowingly false, incorrect, deceptive or misleading communication.
- D. An employee shall not intentionally withhold any key information from any communication, knowing such information to be vital to the communication.

Section 20. Protection and dissemination of information

A. (1) Without appropriate authorization, an employee shall not access, use or disclose, or permit or allow another person to access or use, in any manner whatsoever any confidential or personal information that is in the custody or control of, or maintained by the LDAF, irrespective if such information is depicted in a material format or transmitted verbally or by electronic means.

- (2) As used in this Section, the term "confidential or personal information" includes, but is not limited to, any data, detail, record or action which may relate to the administration of executive or personnel processes, or is contained in any other privileged communication.
- B. (1) Any confidential or personal information shall be accessed by an employee only if the information is essential and restricted to the performance of an assigned duty, task or responsibility.
- (2) Dissemination by an employee of any such information to another person shall be in strict accordance with law whenever the dissemination of the information is subject thereto, and/or to relevant policy, directive or plan for such dissemination.
- (3) The Commissioner, by directive whenever he deems such necessary to ensure the integrity of any provision of this Section, may provide for specific guidelines and requirements with respect to the protection or dissemination of confidential or personal information

Section 21. Public statements and endorsements, referrals and contacts

- A. Without authorization by the Commissioner, an employee shall not address or appear before any public gathering, news media, industry group or governmental board, prepare any article or other submission for publication, act as a correspondent to a newspaper or other periodical, or otherwise release or divulge LDAF administrative information while purporting to act as a representative of the LDAF.
- B. Without prior, specific authorization by the Commissioner, an employee shall not recommend or advocate in any manner whatsoever outside the course and scope of his authorized duty the transaction of any professional or commercial service or product offered by a specific vendor.

Section 22. Use of official title/position

- A. As used in this Chapter, the term "official title/position" includes the identification card or identification/commission card, badge, insignia, LDAF patch, official title or position, or any other tangible or intangible thing by which it can be construed that the concept of LDAF is being interjected. It is the purpose of this Section to limit the use of an employee's official title/position to matters within the scope of his employment by the LDAF.
- B. An employee shall not directly or indirectly participate in or allow any form of solicitation or demand wherein use is made of an official title/position without the approval of the Commissioner.
- C. An employee shall not use or permit use of an official title/position for personal or financial gain or the benefit of an individual or group of individuals.

- D. An employee shall not seek or accept any form of reward or remuneration, including money, tangible and intangible property or privilege, food, beverage, loan promise, service or entertainment, excluding wages paid by the LDAF, as a result of his conduct while acting within the authority of an official title/position, except as directed by the Commissioner.
- E. An employee shall not use or attempt to use an official title/position for the purpose of avoiding the consequence of an unlawful act. The use of the LDAF or any of its offices or facilities as, or as part of, the employee's personal address on his driver's license, vehicle registration, or other personal papers or legal instruments is prohibited.

Section 23. Political activity

An employee in the classified service to the state shall abide by the provisions set forth Civil Service Commission Rule, Chapter 14 – Prohibited Activities, and Civil Service Commission General Circular 1501 – Prohibited Political Activities

Section 24. Courtesy

- A. An employee at all times shall be polite and forthcoming and maintain a temperate demeanor in his interaction with others.
- B. While in the workplace, an employee shall not make use of coarse, hostile, profane or insolent language, irrespective if such is communicated verbally, in text format or by depiction, signal or gesture.
- C. While in the workplace or on any other occasion such communication may bring the LDAF into disrepute or public embarrassment, or may reflect discredit upon himself in his role as an employee, an employee shall not communicate any biased or prejudicial commentary or personal opinion or belief that is related to race, gender, age, national origin, religion, politics, lifestyle, disability, or any other personal characteristic.

Section 25. Drugs, alcohol and tobacco

- A. As used in this Section, the term "drugs" means any controlled dangerous substance as defined in R.S. 40:961(7), or controlled substance analogue as defined in R.S. 40:961(8).
- B. As used in this Section, the term "alcohol" means any alcoholic beverages as defined in R.S. 26:241(1).
- C. At all times in the workplace or while on-duty, an employee shall not use or be under the influence of any drugs, except if such is and used in the manner prescribed by a licensed medical practitioner pursuant to the employee's treatment by said licensed medical practitioner.

- D. An employee using prescribed drugs shall inform his supervisor of such prior to his reporting for duty. Upon reporting for duty, the employee shall present to his supervisor written documentation from the prescribing medical practitioner which certifies that the drugs in the prescribed dosage will not impair the employee's ability to safely perform his duties.
- E. An employee's use of drugs other than in the dosage prescribed by his licensed medical practitioner may subject the employee to all applicable provisions of the LDAF's substance abuse policy.
- F. At all times in the workplace, or while on-duty, or prior to or during the operation of a LDAF-owned or controlled motor vehicle, aircraft, watercraft, vessel, other means of conveyance, or motorized equipment, an employee shall not use or be under the influence of alcohol at any level of blood alcohol content.
- G. Except in course and scope of his assigned duties, an employee shall not frequent or visit any bar, lounge, pub, saloon or tavern while on-duty. For the purpose of this Paragraph, an employee is not barred from obtaining food, absent any purchase or consumption of alcohol, during his authorized lunch break at an establishment which may serve alcohol to its other patrons.
- H. Except in any area designated for such use by an Assistant Commissioner if not prohibited by law, the use of any tobacco product in the workplace by an employee is not authorized.

Section 26. Gambling

- A. An employee shall not participate in any form of wager gaming or gambling while onduty.
- B. If deemed fitting, an Assistant Commissioner may allow sponsorship or fundraising activities in a workplace, but only if the conduct of such is orderly and does not diminish work productivity.

Section 27. LDAF equipment and supplies

- A. An employee shall exercise due and proper care and caution in his possession or control of LDAF equipment and supplies, use such in the prescribed manner, and protect such from damage, abuse, neglect, loss or criminal consequence (e.g., theft, unauthorized use, etc.).
- B. Without the prior approval of an Assistant Commissioner, an employee shall not alter, modify, adorn or otherwise personalize the appearance of any LDAF equipment (e.g., motor vehicle) by displaying, affixing or attaching, permanently or temporarily, thereon or therein any sticker, decal, plate, logo, depiction, descriptive phrase, covering, emblem, insignia, badge, label, sign, flag, banner, marker, placard, etc.

- C. An employee shall not alter, modify, or supplement any LDAF equipment in any manner which may adversely affect its value, output, serviceability or warranty of service or service contract.
- D. For the purpose of this Chapter, each provision of the policy styled *Use and Management of LDAF Vehicles* and of the document styled *Fleet Rules and Procedures* (collectively and generally referred to as the motor vehicle fleet policies) shall be a lawful order, and an employee shall obey and comply with each provision thereof.
- E. For the purpose of this Chapter, each provision of the policy styled *Information Technology User Rules* (generally referred to as the IT user policies) shall be a lawful order, and an employee shall obey and comply with each provision thereof.

Section 28. Misappropriation of LDAF asset or resource

- A. For his personal advantage or gain, an employee, directly or indirectly, shall not misappropriate any LDAF asset or resource or redirect in any manner whatsoever the use or benefit of any LDAF asset or resource.
- B. As used in this provision, the terms "asset" and "resource" must be given the broadest possible construction, including any conceivable thing of the slightest value, movable or immovable, corporeal or incorporeal, tangible or intangible, and including, but not limited to, utility, telephone and internet services, transportation, property, equipment, supplies, and any right, privilege, advantage, prerogative or immunity.

Section 29. Cooperation with administrative inquiry

- A. As used in this Section, the term "administrative inquiry" refers to an examination of facts and circumstances to be conducted by an employee designated by the Commissioner, wherein the subject of the inquiry is a breach of law or LDAF policy or directive.
- B. An employee shall cooperate with any administrative inquiry, and shall not, nor attempt to obstruct an administrative inquiry in any manner whatsoever.
- C. To ensure fairness and impartiality in the conduct of an administrative inquiry, the designated employee may require an employee to keep confidential from other persons his knowledge of the focus or subject and details of the administrative inquiry, and such employee shall comply fully until duly relieved of the requirement.
- D. Any finding of fact made by the designated employee shall not be communicated to any other person, the Commissioner excepted. However, the Commissioner may provide for the dissemination of information related to the administrative inquiry.

Section 30. Cooperation with the legislative process

- A. It is the policy of the LDAF to fully cooperate and be forthcoming in any request for information made by legislators and their staff.
- B. An employee shall direct to the Commissioner any request for information from a legislator or his staff and any invitation or request to appear at a legislative committee meeting, and the Commissioner shall instruct the employee in the proper response to such.
- C. To ensure the presentation of complete and accurate information and to avoid including any contradictory, ambiguous or insufficient information, an employee, absent a subpoena of the legislature, shall not testify or provide information at any legislative committee meeting without the prior consent of the Commissioner.
- D. An employee who is authorized to testify at a legislative committee meeting merely shall provide fact-based information, shall refrain from giving either personal or professional opinions or beliefs, and shall not advocate favor or disfavor for the matter under consideration.

Section 31. Cooperation with other agencies

An employee shall cooperate with any representative of a government agency (e.g., Legislative Auditor, Inspector General), university or college while he is engaged in the performance of his duties by providing all the assistance and information authorized by law or regulation and in a manner consistent with the policies, directives and plans of the LDAF.

Section 32. Constraint of power

- A. Without the prior, written approval of the Commissioner, an employee, representing or on behalf of the LDAF, shall not enter into any contract, agreement, claim settlement, compact, cooperative endeavor, memorandum of understanding and/or agreement, promise, pledge or other obligation with any other person or entity.
- B. Without the prior, written approval of the Commissioner, an employee shall not request, solicit, seek nor inquire of the Attorney General or any member of his staff with respect to an opinion on a question of law (i.e., an Attorney General's opinion).
- C. Except any commissioned law enforcement officer of the LDAF, an employee, unless otherwise authorized by the Commissioner, shall not wear, carry, bear or display any badge, insignia, or replica or facsimile thereof, including any badge of official title/position, while acting in the course, scope or performance of his assigned duties, tasks and responsibilities. As used in this Section, the term "commissioned law enforcement officer of the LDAF" means any employee who is commissioned by the Department of Public Safety and Corrections pursuant to R.S. 3:734, or appointed and commissioned by the State Forester pursuant to R.S. 3:4274.1.

D. Except any commissioned law enforcement officer of the LDAF, an employee, in accordance with the provisions of R.S. 32:318, shall not equip, operate or use any motor vehicle owned or controlled by the LDAF with a blue colored electric light thereon. As used in this Paragraph, the term "blue colored electric light" refers to any device or apparatus, or a combination thereof, which may be capable of emitting a visual signal, or which may be observed by another person, irrespective if any such device or apparatus is activated, or not.

Section 33. LDAF credential card

A. An employee shall possess and display the credential card issued by the LDAF whenever he is in the course, scope or performance of his assigned duties, tasks and responsibilities, except whenever the display of such may be adverse to the conduct of a specific duty or task (e.g., a covert criminal investigation) or may pose a risk to the safety of an employee.

B. As such relates to his interaction with a non-employee, an employee shall facilitate the ease of viewing of the information on the face-side of his LDAF credential card whenever such is displayed by the employee.

Chapter Three. Professional Standards

<u>Commissioner's Note:</u> A review of the state's Ethics Code with a synopsis of several key provisions can be accessed online at http://www.ethics.state.la.us/Pub/Laws/ethsum.pdf or from our web page. A printed copy of the review also is available at every headquarters and district office. Please refer to it whenever necessary. Thank you.

Section 1. Purpose

A. LDAF employees should be ever mindful that public service is a public trust. To foster public trust and confidence in the LDAF, an employee must at all times adhere to professional standards which ensure his manifest ethical conduct.

B. It is the purpose of this Chapter to promote the objective of protecting the integrity of the LDAF by prohibiting an employee from engaging in any business, employment or transaction, from rendering services or from having contractual, financial, or personal interests, direct or indirect, which are in conflict with (or which would create the justifiable impression in the public of conflict with) the proper discharge of the employee's official duties or the best interest of the LDAF or which would tend to impair independence or objectivity of judgment or action in the performance of his official duties.

Section 2. Adherence to law

- A. The provisions of this Chapter are intended to supplement those provisions which relate to the code of governmental ethics as set forth in R.S. 42:1101, et seq. ("Ethics Code").
- B. Whenever any provision of this Chapter may conflict with a provision of the Ethics Code, the provision of the Ethics Code shall prevail, except that whenever the effect or requirement of a provision of this Chapter is stricter than that which is contemplated in the comparable provision of the Ethics Code, the provision of this Chapter shall prevail.

Section 3. Interpretation and application of provisions

- A. The provisions of this Chapter are not intended to be definitive of every rule that would be advisable or necessary to accomplish the purpose of this Chapter. Consequently, each and every provision shall be given a genuine construction, according to the fair import of its words, taken in its usual context, and with reference to the purpose of the provision.
- B. Consistent with the purpose of the provisions of this Chapter and the fair and reasonable application thereof, the Commissioner, whenever necessary to provide for the operational effectiveness of the LDAF, may provide for the interpretation or may affix, qualify or disqualify the relevance of any provision herein with respect to a related or anticipated circumstance, condition or situation.
- C. Any request by an employee to the Commissioner for an interpretation of a provision of this Chapter, or for any related inquiry, should be directed to the Commissioner's Executive Counsel (email preferred), who shall research the matter and provide such findings to the Commissioner for his review and disposition.

Section 4. Definitions

Unless the context clearly indicates otherwise, words and terms used in this Chapter shall have their general meaning, except that whenever words and terms defined in R.S. 42:1102 are used in this Chapter, the defined meaning shall apply.

Section 5. Prohibited conduct

- A. An employee shall not accept a thing of economic value from a source other than the LDAF for the performance of official duties and responsibilities.
- B. An employee shall not accept a thing of economic value for the performance of a service substantially related to public duties or which draws on non-public information.
- C. An employee shall not accept a thing of economic value as a gift from or for services rendered to the following:

- (1) persons who have or are seeking to obtain a contractual or other business or financial relationship with the LDAF; or
- (2) persons who are regulated by the LDAF; or
- (3) persons who have substantial economic interests which may be substantially affected by the performance or nonperformance of the employee's official duties.
- D. An employee shall not accept a thing of economic value for assisting someone with a transaction with the LDAF.
- E. An employee shall not participate in a transaction involving the LDAF in which he or a member of his immediate family has a substantial economic interest.
- F. An employee shall not bid on, enter into, or have in any way an interest in any contract, subcontract or other transaction under the supervision or jurisdiction of the LDAF. This restriction also applies to the immediate family members of an employee and to legal entities in which an employee and/or his family members own an interest in excess of 25%.
- G. An employee shall not use the authority of his office to compel or coerce a person to provide himself or someone else with a thing of economic value to which they are not entitled by law, or use of the authority of his office to compel or coerce a person to engage in political activity.
- H. An employee shall not participate in any way in the sale of goods or services to persons regulated by the LDAF if the employee will receive a thing of economic value by virtue of the sale.
- I. An employee shall not make a payment, give, loan, transfer, or deliver or offer to give, loan, transfer or deliver a thing of economic value whenever the employee is prohibited by the Ethics Code from receiving such a thing of economic value.
- J. An employee shall not conceal knowledge of any conduct or action that would constitute a breach of a provision of this Chapter from his Assistant Commissioner or the Deputy Commissioner.

Section 6. Required conduct

- A. An employee shall conduct his assigned duties, tasks and responsibilities in such a manner as to preserve and promote public trust and confidence, and at all times shall avoid any situation where his conduct or actions reflect unfavorably on the LDAF.
- B. It shall be the continuing duty of an employee to review and assess his conduct in accordance with the provisions of this Chapter and the Ethics Code.

C. An employee shall bear an affirmative obligation to request advice from his supervisory staff regarding the propriety of his past or future conduct whenever any reasonable doubt involving an ethical consideration arises.

Chapter Four. Secondary Employment

Section 1. Purpose

Job related responsibilities to the LDAF are primary for any employee working full time; therefore, any other employment in which a full-time employee intends to pursue is secondary. To promote and protect the integrity of the LDAF by limiting or prohibiting unlawful or unethical acts, conflicts of interest, or the perception thereof, an employee shall seek the authorization from his Assistant Commissioner prior to engaging in any secondary employment. The purpose of the authorization procedure set forth in this Chapter is to determine that the secondary employment will not (1) have an adverse effect on the employee's primary employment, (2) violate the law and (3) create a conflict of interest

Section 2. Adherence to law

A. The provisions of this Chapter supplement the provisions set forth in Chapter Three of this Part; R.S. 42:61, relative to dual office holding and dual employment; and R.S. 36:622 (B) and (C), relative to officers of the department and compensation for one office only.

- B. Whenever any provision of this Chapter may conflict with a provision of said Chapter Three or law, the provision of Chapter Three or law shall prevail, except that whenever the effect or requirement of a provision of this Chapter is stricter than that which is contemplated in Chapter Three or law, the provision of this Chapter shall prevail.
- C. Any authorization by the LDAF for an employee to be engaged in secondary employment shall not mean nor be interpreted or expressed by the employee to mean that such extraordinary activity by the employee is approved, sanctioned, endorsed or supervised by the LDAF. With respect to such secondary employment, an employee shall conform to, and abide by the law of the United States of America, and the state of Louisiana and its political subdivisions. As used in this Subsection, the term "law" shall mean each and every applicable code, regulation, statute, rule and ordinance. Failure of an employee engaged in authorized secondary employment to obey the law may result in the revocation by the Commissioner of such authorization.

Section 3. Interpretation and application of provisions

A. The provisions of this Chapter are not intended to be definitive of every potential conflict of interest, or situation not necessarily subject to the provisions of this Chapter. Consequently, said provisions shall be given a genuine construction, according to the fair

import of their words, taken in their usual context, and with reference to the purpose of the particular provision.

- B. Consistent with the purpose of the provisions of this Chapter and the fair and reasonable application thereof, the Commissioner, whenever necessary to provide for the operational effectiveness of the LDAF, may provide for the interpretation or may affix, qualify or disqualify the relevance of any provision herein with respect to a related or anticipated circumstance, condition or situation.
- C. Any request by an employee to the Commissioner for an interpretation of a provision of this Chapter, or for any related inquiry, should be directed to the Deputy Commissioner (email preferred), who shall research the matter and provide such findings to the Commissioner for his review and disposition.

Section 4. Definitions

- A. Unless the context clearly indicates otherwise, words and terms used in this Chapter shall have their general meaning, except that whenever words and terms defined in R.S. 42:62 are used in this Chapter, the defined meaning shall apply.
- B. As used in this Chapter, the term "secondary employment" means any job, position or office, irrespective if such is elective or appointive, that is carried out by the employee outside his LDAF employment, and which is compensated by salary, fee or per diem. "Secondary employment" includes the provision by an employee of any compensated service, which shall mean the performance of any work, duty or responsibility, but shall not mean (1) his LDAF employment, (2) the leasing, rental or sale of immovable property, (3) service with the National Guard or Military Reserve Forces, or (4) farming activities (i.e., the planting, growing, production or harvesting of crops or livestock), whenever the income from which does not equal an amount greater than fifty percent (50%) of the employee's total income.
- C. As used in this Chapter, the official title/position "Assistant Commissioner" also may mean, whenever appropriate, the Deputy Commissioner.

Section 5. Secondary employment

- A. An employee shall not hold or engage in secondary employment without the express authorization of his Assistant Commissioner, such granted in a manner set forth in this Chapter.
- B. Unless revoked by the Commissioner during the intervening period, any authorization for secondary employment shall be valid for one calendar year from the date issued by the Assistant Commissioner, at the conclusion of which, said authorization may be extended for an additional calendar year, such in a manner set forth in this Chapter.

- C. An employee shall not apply for, or hold or engage in secondary employment which may bring the LDAF or the employee into disrepute or public embarrassment, or reasonably be expected to damage the public's respect, confidence or trust of the LDAF.
- D. An employee shall bear an affirmative obligation to request advice from his supervisory staff regarding the propriety of his secondary employment whenever any reasonable doubt arises involving any provision of this Chapter.
- E. An employee's supervisory staff shall bear an affirmative obligation to report to his Assistant Commissioner any conduct with respect to the secondary employment of the employee that may be a violation of law or breach of any provision of this Chapter.
- F. With respect to an employee's secondary employment, he shall not perform any work, duty or responsibility:
- (1) while on duty with the LDAF, or within his LDAF workplace;
- (2) that is regulated or controlled by the Office of the LDAF to which he is assigned;
- (3) which may require him to habitually request and/or frequently use his leave time, or require his routine absence from the workplace;
- (4) the frequency, duration or conduct of which may impair his capacity to perform his LDAF assigned duties, tasks and responsibilities properly and safely;
- (5) which misappropriates any LDAF asset or resource (e.g., LDAF owned or controlled, vehicle, equipment, supplies, office space, property, information technology (as defined in this Part), telecommunication equipment, etc.); or
- (6) in a manner that is adverse to the LDAF policy on the use of official title/position.

Section 6. Application for secondary employment

- A. No secondary employment of any employee is authorized by the LDAF unless and until the employee prepares and submits to his Assistant Commissioner a completed application for secondary employment on the form provided by the LDAF, and said application receives expressed, favorable consideration by the Assistant Commissioner.
- B. No consideration of an application for secondary employment shall occur unless and until the employee completes the application in detail, affixes his signature thereon affirming the accuracy of the information provided therein, and forwards it successfully through his chain-of-command.
- C. An Assistant Commissioner may require from the employee, in addition to an application for secondary employment, such other information, documentation or records that may be necessary to give due and proper consideration of the employee's request for secondary employment. Upon the disposition of the employee's request for secondary employment, all such supplementary information, documentation and records, without any duplication thereof, shall be returned immediately to the employee.

D. The application for secondary employment shall be used by an employee to (1) request an initial authorization for secondary employment, (2) renew his authorization for secondary employment, or (3) terminate his authorization for secondary employment.

Section 7. Obligations of employee

- A. An employee shall promptly notify his Assistant Commissioner on the form provided by the LDAF of the termination of the employee's secondary employment.
- B. Whenever during the period of the authorization for secondary employment, the character, nature or makeup of such work, duty or responsibility changes, said authorization shall have no further force or effect, and the employee shall be subject to the provisions set forth in Section 6 of this Chapter.
- C. An employee shall anticipate the duration of time any authorization for secondary employment may require for its due and proper consideration, and, accordingly, shall timely complete, submit and forward such initial or renewal request through his chain-of-command.

Chapter Five. Attire, Appearance and Grooming

Section 1. Purpose

- A. Absent any exception within our workforce, every LDAF employee during his workday should expect to have face-to-face contact with another employee or a member of the general public. Consequently, any such personal interaction will require that fundamental standards be met for work attire, professional appearance and suitable grooming in order to reflect and ensure the operational effectiveness of the LDAF.
- B. It is the purpose of this Chapter to define standards that guide and direct employees with respect to acceptable and prohibited workplace attire, appearance and grooming.

Section 2. Interpretation and application of provisions

- A. Although aspects of human physical appearance and scent principally are tied to subjective criteria, it is essential in the workplace to rely on generally accepted standards that balance an employee's comfort and preference with his productivity, health, safety and official title/position. The provisions of this Chapter are not intended to be definitive of all modes of dress, material expressions of individuality, or personal scents that may be objectionable. Nor is it the intention of these provisions to be definitive of all acceptable forms of attire, appearance and grooming. Rather, said provisions shall be applied to ensure that the manifest attire, appearance and grooming of an employee does not contribute to an unsafe, unhealthy, nonproductive or disruptive work environment.
- B. Consistent with the purpose of the provisions of this Chapter and the fair and reasonable application thereof, the Commissioner, whenever necessary to provide for the

operational effectiveness of the LDAF, may provide for the interpretation or may affix the relevance of any provision herein with respect to any circumstance, condition or situation

Section 3. Enforcement of provisions

Each Assistant Commissioner shall be responsible for the enforcement of the provisions of this Chapter with respect to the attire, appearance and grooming of each and every employee of his Office. Any such action taken by an Assistant Commissioner shall be solely for the purpose of preserving a work environment that is safe, healthy and productive while, at the same time, reasonably accommodating diversity, individuality and personal differences. To promote the continuity of fair and equitable enforcement efforts throughout the LDAF, an Assistant Commissioner may consult with the Human Resources Director on questions relating to the appropriateness of an employee's attire, appearance or grooming.

Section 4. General provisions

- A. Assistant Commissioners shall monitor the workplaces of the employees of his Office for the purpose of determining their respective compliance with the provisions of this Chapter.
- B. Whenever the Human Resources Director detects or learns of an obvious breach by an employee of any provision of this Chapter, the Human Resources Director shall call such to the attention of the employee's Assistant Commissioner, who shall take necessary action to resolve the matter.
- C.(1)(a) An Assistant Commissioner may rely on the Human Resources Director or may assign an employee's supervisory staff to take necessary, informal action with respect to the inappropriateness of the employee's attire, appearance or grooming.
- (b) As used in this Chapter, the term "informal action" refers to the conduct and documentation of any action intended to correct the subject deficiency (e.g., counseling, letter of instruction, reprimand or written warning, and authorized absence to allow a reasonable amount of time away from the workplace for the employee to remedy the deficiency), but is absent any personnel action that may be subject to review by the Civil Service Commission.
- (c) Preferred informal action by supervisory staff takes the form of any immediate action on the part of the employee that, in the sole opinion of the supervisory staff, sufficiently resolves the subject deficiency. Preferred informal action could be, perhaps, an employee covering up too much bare torso or a patently offensive tattoo with a sweater, wearing a jacket over an unauthorized t-shirt, washing off enough cologne or perfume to diminish its extraordinary repulsiveness, or working in a back office outside of the public's view of the employee's flip-flop sandals.

- (2) Whenever it is determined by supervisory staff that the extent of a deficiency rises to a level which requires the employee to be absent from the workplace for a reasonable period of time in order to comply with the provisions of this Chapter (i.e., the employee's attire, appearance or grooming likely will contribute to an unsafe, unhealthy, nonproductive or disruptive work environment if he remains at his workplace), the employee shall be placed on LEAVE WITHOUT PAY for such duration. (See also Personnel Policies Part B, Chapter 2, Section 10, Paragraph B, relative to reporting for duty, to wit: "An employee shall report for duty attired, groomed and portraying an appearance that is consistent with the provisions of applicable policy.")
- (3) Whenever it is necessary to initiate any action with respect to a deficiency with an employee's attire, appearance or grooming, the matter shall be discussed by supervisory staff (and/or Human Resources Director) with the employee outside the presence of any other person.
- (4) Although a breach of a provision of this policy by an employee may occur from time-to-time, most, if not all, should be resolved by his supervisory staff (or Human Resources Director) taking informal action. Whenever a continued or repeated breach of one or more provisions of this Chapter by an employee is not resolved by sufficiently documented informal action, his supervisory staff shall issue a lawful order to the employee to cease the conduct of the offending act(s) or failure(s) to act, and the employee shall promptly obey and execute such lawful order that has been communicated to him. (See also Personnel Policies Part B, Chapter 2, Section 14, Paragraph D, relative to lawful order, to wit: "The intentional breach of any provision of this Section by an employee may subject the employee to disciplinary action.")
- D. As used in this Chapter, "patently offensive" refers to the visual or olfactory properties of a item or substance that (1) an average person applying contemporary community standards would find such to be extraordinarily objectionable, derogatory or repulsive, and (2) may contribute to an unsafe, unhealthy, nonproductive or disruptive work environment. An odor or scent is patently offensive whenever it tends to adversely impact the health of any person in the workplace (e.g., triggering an ailment relating to (1) respiration, such as allergic asthma, non-allergic asthma, reactive airway dysfunction syndrome (RADS); (2) neurology, such as headaches, migraine headaches, nausea, dizziness and mental confusion; (3) skin, such as hives, irritation and sensitization; or (4) eyes, such as irritation, tearing and inflammation).

Section 5. Attire

A. An employee participating in the 'Uniform Management Program for LDAF' shall comply with the LDAF policy styled Policy on the Wearing of Uniforms. Whenever any provision of this Chapter may conflict with a provision of the Policy on the Wearing of Uniforms, the provision of the Policy on the Wearing of Uniforms shall prevail, except that whenever the effect or requirement of a provision of this Chapter is stricter than that which is contemplated in the comparable provision of the Policy on the Wearing of Uniforms, the provision of this Chapter shall prevail.

- B. With respect to non-uniform attire, the broad style of appropriate dress at the LDAF Headquarters complex is business casual. As used in this provision, the term "business casual" refers to attire that is less formal in fashion and substance than professional attire, but remains appropriate for a contemporary office environment. Accordingly, the Human Resources Director shall maintain an up-to-date listing of examples of attire which may be acceptable or objectionable, and shall post such listing on the LDAF intranet. Nothing in this provision shall preclude an Assistant Commissioner from requiring any employee of his Office to conform to the import of this provision, irrespective if the employee is assigned remotely of the LDAF Headquarters complex.
- C. Generally, with respect to the attire of an employee, (1) clothing should be or appear to be neatly pressed, and should not be torn, frayed, dirty or stained or appear to be excessively faded; (2) any text, picture or depiction displayed on clothing shall not be patently offensive; (3) a sport team's, university or fashion logo or brand name on clothing is acceptable, but not if the article of clothing is inconsistent with any provision of this Chapter; (4) clothing that is typically worn for the beach, yard work, dance clubs, exercise sessions, and sports contests very likely is inappropriate for the LDAF workplace; (5) clothing that reveals too much bare back, shoulder, torso, stomach, thigh(s) or feet, or that exposes, or which is, an undergarment is inappropriate attire for the LDAF workplace; and (6) shoes should be clean and of sufficient design and construction to reflect and ensure the operational effectiveness of the LDAF.

Section 6. Appearance

- A. An employee's appearance in the workplace is acceptable whenever it is does not adversely impact his productivity, health or safety or the operational effectiveness of his official title/position.
- B. Generally, with respect to the appearance of an employee, (1) any body piercing other than for the ears shall not contain or be adorned or outfitted with jewelry; (2) any jewelry, tattoo or other body art that is patently offensive shall remain covered in the workplace; and (3) the wearing of facial hair or any hair style or head covering which may disrupt the operational effectiveness of the LDAF or puts at risk the safety of the employee is inappropriate for the workplace.

Section 7. Grooming

- A. An employee shall adhere to a reasonable standard of cleanliness and personal hygiene while in the workplace. The length and treatment of an employee's fingernails, and the level of makeup used, if any, shall be appropriate for the operational effectiveness of the workplace.
- B. An employee's hair, beard, mustache or sideburns shall be clean, neatly combed or brushed, resembling a shade of a natural hair color, and shall not present a ragged or unkempt appearance.

C. Any patently offensive odor or scent of an employee is prohibited in the workplace. An employee should be aware their fragrance (e.g., cologne, perfume, lotion, etc.) or the heavy application thereof could be unpleasant for other persons.

Chapter 6. Information Technology User Rules

Section 1. Introduction

The continued use of and reliance on information technology within the LDAF is inevitable, indispensable to its mission and bears a considerable expenditure in both material aspects and labor costs. The unexpected and often significant expenses the LDAF incurs as a result of the misuse of this vital asset and its resources critically impact the capacity to advance the mission of the LDAF. Misuse results, but is not limited to, whenever an employee exploits LDAF information technology for personal use, disregards established protocols, mistreats equipment or abuses the programs and their capabilities. Consequently, it is a reasonable and practicable requirement of the LDAF to set forth responsible rules for the use of its information technology.

Section 2. Purpose

The purpose of this Chapter is to establish basic guidelines and requirements for an employee to follow to ensure that the intended and best use of *LDAF-owned or controlled information technology* ("IT") takes place.

Section 3. Interpretation and application of provisions

A. The provisions of this Chapter are not intended to be definitive of every rule that would be advisable or necessary to accomplish the purpose of this Chapter. Consequently, each and every provision shall be given a genuine construction, according to the fair import of its words, taken in its usual context, and with reference to the purpose of the provision.

B. Consistent with the purpose of the provisions of this Chapter and the fair and reasonable application thereof, the Commissioner, whenever necessary to provide for the operational effectiveness of the LDAF, may provide for the interpretation or may affix the relevance of any provision herein with respect to any circumstance, condition or situation

Section 4. General provisions

A. As used in this Chapter, the term "IT" refers to one or more components or a system of components or interconnected systems, together with support services and computer-oriented programs and networks, including the Internet and Intranet, all of which an employee may avail himself in the accomplishment of his assigned duties, tasks and responsibilities. IT includes, but is not limited to, hardware, software, electronic

databases, communication networks, physical facilities, mainframe computer access, personal or portable computers, printers, scanners, facsimile machines, personal hand held devices and the support services of the staff of the LDAF IT Section ("ITS").

- B. An employee's level of IT use or access shall be determined solely by his Assistant Commissioner or the Deputy Commissioner. The work product of any IT process, while in progress or upon completion, is the property and shall remain under the control and custody of the LDAF, and is subject to review and inspection by supervisory staff at any time.
- C. IT usage typically is logged (i.e., recorded or tracked by electronic means) during an IT process, and may be monitored by ITS staff, who shall report, without any notification to the employee, any likely misuse or breach of a provision of this Chapter to the employee's Assistant Commissioner, who may direct the ITS to inhibit the misuse and/or remedy the breach.

Section 5. IT-user rules

- A.(1) An employee shall use IT related assets and resources only for the official business of the LDAF, and he shall have no expectation whatsoever of personal privacy with respect to his use thereof. Accordingly, any other use of an IT asset or resource by an employee is prohibited (e.g., sending (including forwarding) or receiving personal email items such as a screen saver, video, joke, comical story or depiction, political commentary or other personal viewpoint, etc.).
- (2) An employee shall be mindful that, although there are some records of the LDAF that may be subject to an exception, exemption or limitation to the laws pertaining to public records, generally the emails of an employee are indeed public records that may be subject to a public record request.
- B. Material that is copyrighted, patented or otherwise identified as intellectual property of another shall not be used by an employee without appropriate authority.
- C. Prohibited uses of IT by an employee shall include, but not limited to:
- (1) accessing any chat site or adult site that offers access to sexual or pornographic material, hate information or racially offensive material;
- (2) engaging in any illegal activity or any usage for an illegal purpose;
- (3) participating in the communication of any message or publishing of information that violates any law;
- (4) intentionally spreading a computer virus or other malicious code of any kind;
- (5) obtaining or using, or attempting to obtain or use, any unauthorized access to any computer, communication network, electronic database, etc.;
- (6) using, storing, maintaining or providing personal files or information not related to LDAF business (e.g., personal business files, correspondence, music files, photographs, etc.);

- (7) using language in any communication that may be considered abusive or objectionable;
- (8) engaging or attempting to engage, directly or indirectly, in any knowingly false, incorrect, deceptive or misleading communication;
- (9) distributing unsolicited commercial material without proper authorization;
- (10) using IT in any manner whatsoever with respect to a political issue or campaign;
- (11) manipulating IT to effect any unauthorized deletion or modification of data, a disruption within an IT system, or any unauthorized access to confidential or personal information;
- (12) using the user ID, password and/or pass code that is registered to another person (except ITS Help Desk staff may do so whenever such is necessary to remedy an ITS service request); and
- (13) failing to protect any password or pass code from its unauthorized use by any other person.

Section 6. Transfer or removal of data or records

An employee shall not transfer, or cause to be transferred, any data or record from its authorized worksite without prior, specific authorization from his Assistant Commissioner (i.e., a database or subset of any table shall not be copied without proper approval).

Section 7. Use of removable electronic storage media

An employee shall not use any electronic storage media (e.g., floppy disk, CD, DVD, flash drive, thumb drive, memory card, etc.) unless and until he is authorized to do so by his Assistant Commissioner and the device is determined by the ITS to be free of any virus, malware, spyware, or other malicious code of any kind.

Section 8. Affirmative obligation of an employee

An employee shall bear an affirmative obligation in his use of IT to (1) be current on and conform with all LDAF IT-user procedures and protocols relating to the use of IT (e.g., routine change of password, update installation, etc.), (2) be vigilant of any virus, malware, spyware, or other malicious code of any kind, and immediately report any known or suspected corruption of IT to the ITS Help Desk, and (3) immediately report to his supervisory staff any known or suspected misappropriation of any IT asset or resource by another person, or any known or suspected breach of any provision of this Chapter.

Chapter Seven. Communication with the Media

Section 1. Purpose

Effective communication with the media is essential to advancing the mission of the LDAF and promoting continued public support of its programs and activities. The provisions of this Chapter are intended to provide guidance and direction to employees

whenever handling a media inquiry or request so that the LDAF's response ensures the release of complete and accurate details, absent any contradictory, ambiguous or insufficient information

Section 2. Interpretation and application of provisions

- A. The provisions of this Chapter are not intended to be definitive of every circumstance or situation which may relate to communicating with media representatives. Consequently, each and every provision shall be given a genuine construction, according to the fair import of its words, taken in its usual context, and with reference to the purpose of the provision.
- B. Consistent with the purpose of the provisions of this Chapter and the fair and reasonable application thereof, the Commissioner, whenever necessary to provide for the operational effectiveness of the LDAF, may provide for the interpretation or may affix the relevance of any provision herein with respect to any circumstance, condition or situation.
- C. As used in this Chapter, the term "media" refers to any entity or personnel affiliated with a mass communication means or outlet such as television, radio, newspaper, magazine, other periodical, trade or industry publication, internet site, etc.
- D. As used in this Chapter, the term or general use of "media inquiry or request" shall not relate to any request for a public record, such as contemplated by the provisions of R.S. 44:31, et seq., relative to the right to examine records. (See also Personnel Policies Part B, Chapter 8, relative to Public Record Request.)

Section 3. Role of the Commissioner

Generally, the Commissioner is the official spokesperson for the LDAF, but may designate one or more other employees (e.g., the Deputy Commissioner, each Assistant Commissioner, or the Press Secretary) to (1) communicate with the media on his behalf given certain circumstances or situations which may exist at the time or may be otherwise anticipated, or (2) authorize another employee to communicate with the media on behalf of the LDAF.

Section 4. Role of the Press Secretary

- A. Generally, the Press Secretary is instructed by the Commissioner to prepare for his approval each and every press release by and from the LDAF, or any response to a media inquiry or request made to the LDAF directly or through another employee. As used in this Chapter, the official title/position "Press Secretary" refers to (1) one or more of the staff members assigned to the LDAF Public Information Office, or (2), in a general sense, the LDAF Public Information Office.
- B. Whenever practicable, an employee shall rely on the Press Secretary to communicate with the media, or to provide direction and guidance to the employee with respect to any

communication with the media. Generally, an employee shall refer any media inquiry or request to the Press Secretary, or confer with the Press Secretary prior to any communication by the employee subsequent to the initial media inquiry or request, or prior to the employee effecting an initial communication with one or more media representatives (e.g., press release, public statement).

C. The Press Secretary shall cause to be posted on the LDAF web page relevant information with respect to contacting the Press Secretary (e.g., staff contacts, telephone numbers, email address, etc.), and an employee shall avail himself of such whenever responding to a media inquiry or request.

Section 5. Authorization required

- A. An employee shall be mindful that without authorization by the Commissioner, an employee shall not address or appear before any public gathering, news media, industry group or governmental board, prepare any article or other submission for publication, act as a correspondent to a newspaper or other periodical, or otherwise release or divulge LDAF administrative information while purporting to act as a representative of the LDAF.
- B. Whenever authorized to communicate with the media, an employee shall engage only in honest, direct and relevant communication. Generally, an employee shall limit his communication to fact-based information, refrain from giving either personal or professional opinions or beliefs, and shall not advocate favor or disfavor for the matter under discussion.

Chapter Eight. Public Record Request

Section 1. Purpose

- A. The purpose of this Chapter is to provide guidance and direction to an employee whenever he receives a request by a person to produce a public record for its inspection, copying or reproduction.
- B. An employee shall be mindful that, although most records (including emails of any employee) of the LDAF may be subject to a public record request, there are many records, documents and instruments in the custody or control of the LDAF that are subject to an exception, exemption or limitation to the laws pertaining to public records and, accordingly, shall remain confidential.

Section 2. Right to examine records pursuant to R.S. 44:31

A. Providing access to public records is a responsibility and duty of the Commissioner and his employees.

- B. Generally, any person of the age of majority may inspect, copy or reproduce any public record, and may obtain a copy or reproduction of any public record.
- C. The burden of proving that a public record is not subject to inspection, copying or reproduction shall rest with the custodian.
- D. (1) As used in this Chapter, the term "custodian" means the Commissioner, or a representative specifically authorized by him to respond to requests to inspect a public record.
- (2) The Commissioner specifically authorizes the Executive Counsel to respond to requests to inspect a public record, and the Executive Counsel shall act as his representative in such matters and provide for the disposition of each and every public record request in a manner set forth or otherwise contemplated by the provisions of R.S. 44:1, et seq.
- E.(1) As used in this Chapter, the term "public record request" relates to any request by a person to inspect, copy or reproduce a public record that is in the custody or control of the LDAF, such as may be contemplated by the provisions of R.S. 44:31, et seq., relative to the right to examine records.
- (2) As used in this Chapter, the official title/position "Executive Counsel" also refers to any employee designated to represent the custodian with respect to carrying out the provisions of this Chapter and relevant guidelines and directives promulgated by the Executive Counsel.

Section 3. Interpretation and application of provisions

- A. The provisions of this Chapter are not intended to be definitive of every circumstance or situation which may relate to a request to inspect, copy or reproduce a public record. Consequently, each and every provision shall be given a genuine construction, according to the fair import of its words, taken in its usual context, and with reference to the purpose of the provision.
- B. Consistent with the purpose of the provisions of this Chapter and the fair and reasonable application thereof, the Commissioner, whenever necessary to provide for the operational effectiveness of the LDAF, may provide for the interpretation or may affix the relevance of any provision herein with respect to any circumstance, condition or situation.

Section 4. Authorization required

A. Except as otherwise provided in this Section, without authorization by the custodian, an employee shall not produce any record, document or instrument in the custody or control of the LDAF for any person who requests to inspect, copy or reproduce such.

- B.(1) The custodian may authorize an Assistant Commissioner to produce certain records, documents and instruments in the custody or control of his Office which the custodian deems may be made conveniently available to any person making such public record request.
- (2) Examples of a public record contemplated in Paragraph (B)(1) are an agenda or minutes of a meeting, administrative rules, board membership listing, listing of licensees, press release, etc.

Section 5. Fees

Although, there shall be no fee for a person to examine or review a public record, fees for copying a public record shall be charged according to the uniform fee schedule adopted by the Commissioner of Administration, as provided in R.S. 39: 241.

Section 6. Other guidelines and directives

The Executive Counsel shall be authorized to, and shall promulgate relevant guidelines and directives which may be necessary to carry out the provisions of applicable law and this Chapter, and an employee shall follow and comply with the provisions of such guidelines and directives.